

Art Unit: 1635

broadly encompasses any molecule that may potentially come under the grouping of SP1 molecules, such as fragments, homologues from any/all species, splice variants and alleles thereof. Since Applicant's specification does not describe a representative number of SP1 sequences, or domains, motifs, or molecules possessing SP1 function that would constitute written support for such broad language directed to the genus of all SP1 molecules, one of ordinary skill in the art could not properly envision said target as broadly claimed.

Claims 17, and 19-25 stand rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for aptamer-mediated inhibition of SP1 *in vitro*, does not reasonably provide enablement for said inhibition *in vivo*. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims, for the same reasons as set forth in the Office action dated June 18, 2002.

Applicant's amendment, whereby the above claims are now directed to treatment of an immune-competent cell, still encompass *in vivo* applications. Applicant has provided no further arguments to respond to; accordingly, the rejection of the prior Office action is proper.

Claims 1-3, 7, 9, and 10 stand rejected under 35 U.S.C. 102(a) as being anticipated by Patel et al.

Claims 1-6, 8 and 10 stand rejected under 35 U.S.C. 102(b) as being anticipated by Sharma et al. or Smith et al.

The invention of the above claims is interpreted as being directed to an aptamer between about 12 to 22 nucleotides wherein at least two G-rich regions exist, said G-rich regions selected from the group consisting of GGnG, GGGG, GnGG, nGGG, and GGGn, wherein no directionality of said sequences is indicated. The invention is also drawn to said aptamer where the number of nucleotides separating each of the G-rich regions is 2 to 7, or 3 to 6, or 4, or where one of the at least two G-rich regions comprises GGnG, GnGG, or GGGn, wherein said aptamer competes for the binding site of an immune regulatory protein which may consist of SP1.

As stated in the prior Office action, Patel et al. teach an aptamer in Fig. 1a that is an aptamer having several G-rich regions separated by 6 and 7 nucleotides, which are comprised of GnGG, GGnG, and GGGn. Sharma et al. teach an aptamer wherein the G-rich regions of said aptamer are between 2-7 nucleotides apart and acts on NFκB. Smith et al. teaches G-tetrad oligos wherein each tetrad is separated by four nucleotides.

Applicant traverses the rejections of the prior Office action, reiterated above, on the grounds that the aptamer of Patel et al. does not have a length of between about 12 and 22 nucleic acid units. Further, Applicant argues that none of the cited references